

No. 5262-3Lab-77/14207.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the President of India is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s T.C. Jain and Sons, Jagadhari.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT, HARYANA,  
ROHTAK

Reference No. 90 of 1975

Between

SHRI CHHANGA RAM, WORKMAN AND THE MANAGEMENT OF M/S T.C. JAIN & SONS,  
JAGADHARI.

### AWARD

By order No. ID/AMB/404-A-75/64519, dated 12th October, 1975 the Governor of Haryana referred the following dispute between the management of M/s T.C. Jain and Sons, Jagadhari and its workman Shri Chhanga Ram to this Court for adjudication in exercise of the powers conferred by clause 'C' of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

"Whether the termination of services of Shri Chhanga Ram was justified and in order ? If not, to what relief is he entitled ?"

The parties put in their appearance in this Court in response to the usual notices of reference sent to them and filed their pleadings giving rise to the following issues framed by me,—*vide* my order dated 19th July, 1976.

- (1) Whether the workman had been employed by the management on casual daily payment basis, If yes, to what effect ?
- (2) Whether the termination of services of Shri Chhanga Ram was justified and in order ? If not, to what relief is he entitled ?

The management in order to prove issue No. 1 examined Shri Satish Kumar one of their partner who deposed with reference to the register of attendance of their employees and the register of payment of wages brought by him in Court that Shri Chhanga Ram was employed with effect from 1st January, 1975 purely on temporary daily wages basis on payment of Rs 6 per day to him and that he worked upto 24th May, 1975 when his services were terminated,—*vide* notice Ex. M-1 on the ground that the same were no longer required and he was found surplus. He added that the management asked the workman to rejoin their service on 30th July, 1975 and he declined to accept this offer,—*vide* letter Ex. M-4, dated 30th July, 1975 and received his dues in full and final payment of all his claims. Shri Satish Kumar denied the suggestion of the authorised representative for the workman that the signatures of the later were obtained by the management on Ex. M-4 without telling him its substance.

The case was fixed for recording the rebuttal of the workman on 25th November, 1976 when on a request made by his authorised representative for grant of an adjournment, the case was adjourned to 20th January, 1977 for recording his evidence. As I happen to be on leave on 20th January, 1977, the case was fixed for 26th April, 1977 for recording the evidence of the workman. The workman made yet another request for grant of an adjournment for producing his evidence and the case was adjourned to 27th April, 1977 when on yet another request it was adjourned to 25th May, 1977 without payment of cost to the opposite party.

It would be interesting to note that neither the workman nor his authorised representative Shri Surinde, Kumar appeared before me on 25th May, 1977 and *ex parte* proceedings had to be taken against the former. The evidence led by the management in the manner referred to above thus remained un rebutted and I see no reasons to disbelieve the statement of Shri Satish Kumar that Shri Chhanga Ram was an employee of the management on purely temporary daily wages basis and had no right to continue in service after the refusal of the management to take him on duty and that he voluntarily abandoned his job and received his dues in full and final settlement of all his claims,—*vide* receipt Ex. M-4 and the termination of his services with effect from 24th May, 1975 was fully justified and he is not entitled to any relief. I thus relying on his statement hold accordingly and answer the reference while returning the award in these terms.

Dated the 25th May, 1977.

MOHAN LAL JAIN,  
Presiding Officer,  
Labour Court, Haryana, Rohtak

No. 1016, dated 28th May, 1977

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Presiding Officer,  
Labour Court, Haryana, Rohtak.

No. 5263 3Lab-77/14209.— In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the President of India is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workmen and the management of M/s. Supreme Steel Rolling and Allied Industries, Bahadurgarh.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 3 of 1973

between

SHRI NATHI RAM, WORKMAN AND THE MANAGEMENT OF M/S. SUPREME STEEL ROLLING AND ALLIED INDUSTRIES, BAHADURGARH

AWARD

By order No. ID/RK/209-C-72/573-77, dated the 5th January, 1973 the Governor of Haryana referred the following dispute between the management of M/s. Supreme Steel Rolling and Allied Industries, Bahadurgarh and its workman Shri Nathi Ram to this Court for adjudication in exercise of the powers conferred by clause (C) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

“Whether the termination of services of Shri Nathi Ram was justified and in order? If not, to what relief is he entitled?”

The parties put in their appearance in this Court and filed their pleadings giving rise to the following issues framed,—*vide* order dated the 11th May, 1973 :—

- (1) Whether the present reference is bad in law for the reasons stated in the written statement of the management?
- (2) Whether the termination of services of Shri Nathi Ram was justified and in order? If not, to what relief is he entitled?

Issue No. 1 was decided against the management,—*vide* detailed order dated the 7th June, 1973 rejecting the pleas of the management that reference being premature was bad in law. The evidence of the parties had been recorded and closed on issue No. 2 and the case was fixed for hearing of arguments on 25th April, 1977 when the parties arrived at a mutual amicable settlement,—*vide* statements made by their authorised representatives before me on that date whereby the workman agreed to receive a sum of Rs. 1,000 from the management in full and final settlement of all his claims against them under the demand leading to this reference. The case was fixed for 24th May, 1977 for actual payment of the amount referred to above by the management to the workman. Shri Madhu Sudhan Saran Cowshish authorised representative for the workman made a statement before me on 25th May, 1977, that he had received a draft No. 732852, dated 23rd May, 1977 drawn by the management in favour of the workman of a sum of Rs. 1,000 on Central Bank of India and that the demand leading to this reference had been fully satisfied.

It would thus appear that the demand raised by the workman on the management leading to this reference has been fully satisfied and there is now no dispute between the parties requiring adjudication. Accordingly answer the reference while returning the award in these terms.

MOHAN LAL JAIN,

Dated the 25th May, 1977.

Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No. 1017, dated the 28th May, 1977

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No. 1015/3Lab-77/14211.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the President of India is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s. Jai Laxmi Industries, Jagadhari.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,  
HARYANA, ROHTAK

Reference No. 5 of 1977

*between*

SHRI SUBHASH CHANDER, WORKMAN AND THE MANAGEMENT OF M/S.  
JAI LAXMI INDUSTRIES, JAGADHRI

#### AWARD

By order No. ID/AMB/525-A-76/10962, dated the 9th March, 1977 the Governor of Haryana referred the following dispute between the management of M/s. Jai Laxmi Industries, Jagadhari and its workman Shri Subhash Chander to this Court for adjudication in exercise of the powers conferred,---  
*vide* clause C of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Subhash Chander, was justified and in order? If not, to what relief is he entitled?

Whereas the workman put in his appearance on 25th April, 1977 in response to the usual notices of references sent to him, the management failed to appear on that date despite service of such notices by way of their refusal to accept the same, with the result that *ex parte* proceedings were taken up against them and the workman was directed to adduce his *ex parte* evidence on 25th May, 1977.

The workman appeared as his own witness on 25th May, 1977 and deposed that he was in service of the management as a workman on wages of Rs. 250 P. M. and the later terminated his services w. e. f. 31st October, 1975 illegally without assigning any reason and without holding any enquiry and that he was entitled to reinstatement with continuity of service and full back wages.

I see no reasons to disbelieve the statement of the workman, particularly when the management failed to defend the demand raised on them by him leading to this reference and the proceeding against them are *ex parte* and the statement of the workman has gone unrebutted on record. I, therefore, relying on the statement of the workman hold that the termination of his services by the management w.e.f. 31st October, 1976 was unjustified and that he is entitled to be reinstated with full back wages and continuity of services.

Dated the 25th May, 1977.

MOHAN LAL JAIN,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

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No. 1015, dated the 28th May, 1977

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1977.

MOHAN LAL JAIN,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.